



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

Montgomery County regulation on:

## SOLID WASTE AND RECYCLING

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

### REGULATION

Issued by: County Executive

Regulation No. 15-04AM

COMCOR 48.00.03, Solid Waste and Recycling, Chapter 48

Authority: Montgomery County Code, 1994, Sections: 48-6, 48-24 and 48-51

Supersedes: Regulation 109-92AM

Council Review: Method (1) under Code Section 2A-15

Register Vol. 21 No. 9

Effective Date: February 8, 2005

Sunset Date: None

**Summary:**

The proposed regulation describes the residential recycling requirements for single-family and multi-family dwellings (including reporting requirements for multi-family property owners), nonresidential recycling and reporting requirements, and recycling requirements for collectors of solid waste and recyclable materials.

Comment deadline: September 30, 2004

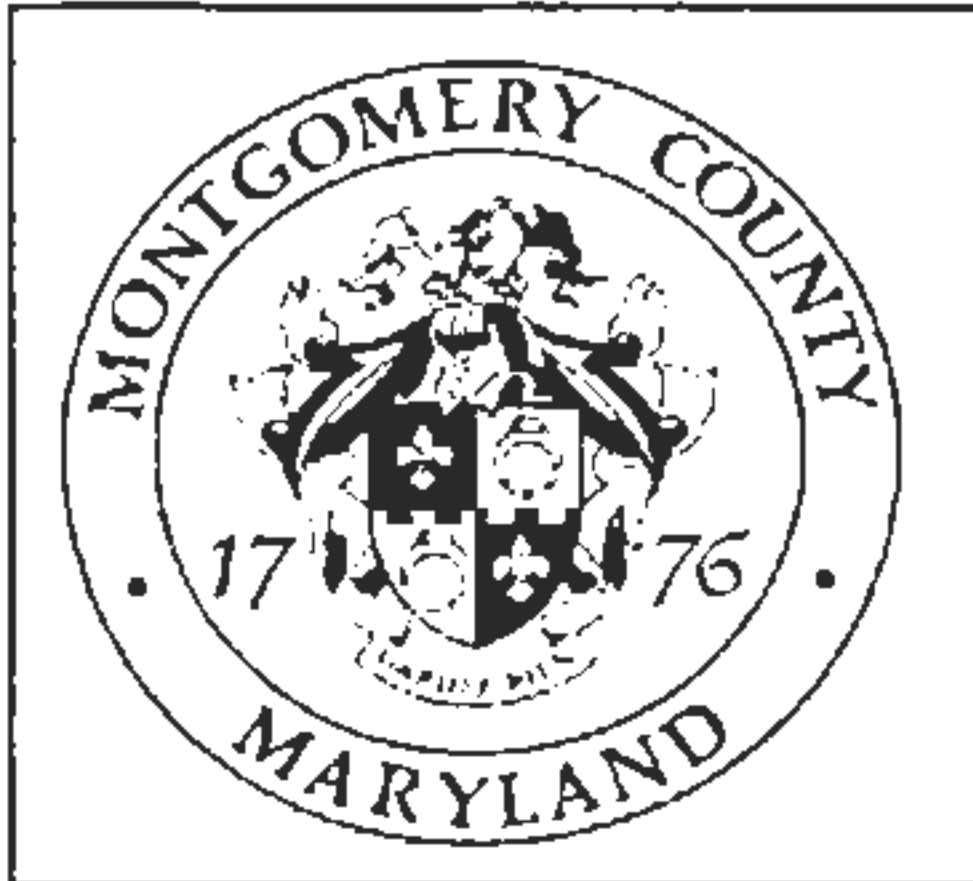
Effective date:

**Address for comments:**

Director, Department of Public Works and Transportation  
Executive Office Building  
Tenth Floor  
101 Monroe Street  
Rockville, Maryland 20850

**Staff contact:**

Eileen Kao, Recycling Coordinator  
240-777-6400

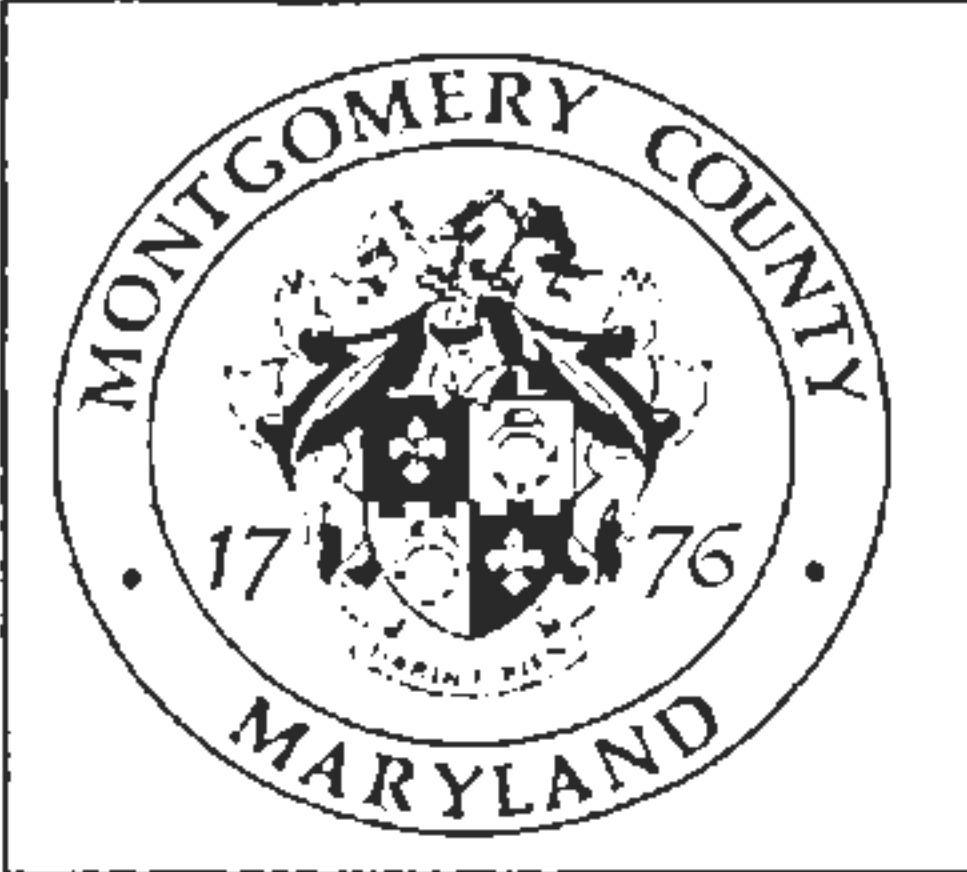


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Background Information: Bill 109-92AM, Solid Waste -- Recycling, was enacted on March 23, 1992, with an effective date of January 13, 1994. The County Comprehensive Solid Waste Management Plan for the years 1998 - 2007 was adopted by Council Resolution 13-418, adopted August 4, 1998, and was reconsidered, amended, and re-adopted by Council Resolution 13-1418 dated October 6, 1998, respectively. These regulations are to further update the provisions of Bill 109-92AM and implement the Solid Waste Management Plan.



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- Section 1. Definitions. Terms defined herein are for purposes of this Article only.** The terms used are as defined in Chapter 48 of the Montgomery County Code and as defined in this section:
- (a) **"Acceptable"** means items which conform to prevailing and customary standards of existing recycling markets.
  - (b) **"Business"** means any enterprise, individual, corporation, partnership (limited or general), sole proprietorship or other entity or person, including institutions, health care facilities, construction sites, the Federal Government and other government agencies, to the extent authorized by law.
  - (c) **"Commingled materials"** mean acceptable items such as aluminum cans and foil products, bi-metal cans, glass bottles and jars, and plastic narrow neck bottles, which are not separated by type, but are mixed together in one container.
  - (d) **"Department"** means Montgomery County Department of Public Works and Transportation.
  - (e) **"Director"** means Director of the Montgomery County Department of Public Works and Transportation.
  - (f) **"Disposal facility"** means the Montgomery County Transfer Station or any other location operated by the County where solid waste is taken for disposal.
  - (g) **"Employee"** means any person working on-site 20 or more hours per week directly for the business or for an entity affiliated with the business; and any person working on-site for the business or an entity affiliated with the business as an agent or independent contractor for more than six months in any calendar year.
  - (h) **"Generator"** means the owner or occupant of any dwelling unit where solid waste is generated, and the owner or occupant of any other business, entity or institution at, from, or by which solid waste is generated.
  - (i) **"Market"** means any business that receives processed or unprocessed source separated or commingled recyclable solid waste and utilizes the material as a finished product or as a raw material for a manufacturing process.



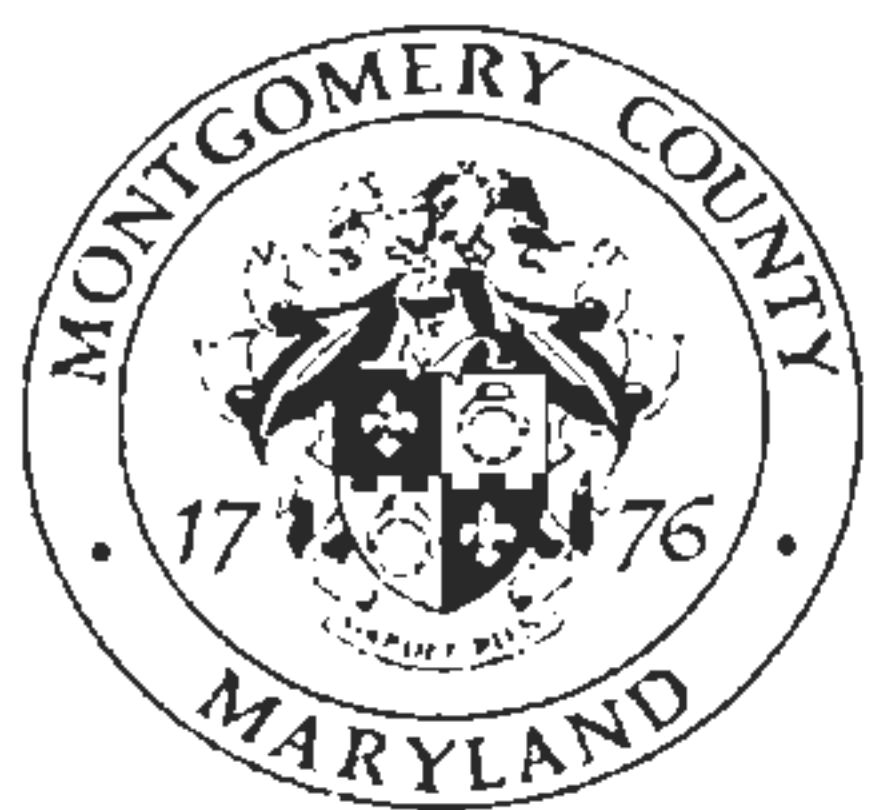


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- (j) **"Mixed paper"** means acceptable paper items which are not separated by type, but are mingled and collected together. These items include white paper, colored paper, corrugated cardboard, boxboard, newspapers and inserts, magazines, catalogs, telephone directories, paperback books, unwanted mail, and other clean, dry paper.
- (k) **"Recyclables"** means those materials in the solid waste stream which are collected, separated, processed and returned to the economic mainstream in the form of raw materials or product for reuse.
- (l) **"Recycling"** means any process by which materials are diverted from the solid waste stream and are collected, separated, processed and returned to the economic mainstream in the form of raw materials or product for reuse.
- (m) **"Recycling plan"** means a plan describing a program for source reduction and recycling.
- (n) **"Scrap metal"** means acceptable items consisting of metal and/or predominantly metal materials. These items include washers, dryers, refrigerators, air conditioners, dishwashers, sinks, stoves, freezers, furnaces, hot water heaters, trash compactors, iron furniture, doors, cabinets, humidifiers/dehumidifiers, bikes, swing sets, aluminum lawn chairs, shower stalls, and disassembled metal sheds.
- (o) **"Solid waste stream"** means solid waste as defined in Chapter 48-1 of the Montgomery County Code from the point of generation to disposal.
- (p) **"Sorted"** means a category of recyclable materials which are further separated into sub-categories or groupings in preparation for recycling. For example, generators may separate paper by grade or type.
- (q) **"Source separation"** means the process of separating recyclables from the solid waste stream at the point of generation and placing them into containers or arranging them in a manner specified by the County or by a valid collection contract for reuse or recycling.
- (r) **"Unavailable"** means non-existent.
- (s) **"Unit"** means housing unit.



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(t) **"Waste reduction /source reduction"** means reducing the amount of waste generated at the source or point of generation.

(u) **"Yard trim"** means leaves, grass, garden trimmings and brush.

## Section 2. **Waiver from these Regulations, subject to the requirements of 48-3(c) of the Montgomery County Code**

(a) The Director may grant temporary or permanent waivers from participation in the recycling program to individuals who are physically impaired and who are not reasonably able to undertake the activities required by this regulation.

(b) The Director may also grant a temporary partial waiver for all generator categories for particular materials which would otherwise have to be recycled where markets for these materials are unavailable.

(c) Persons or entities for whom compliance with Section 3 subsection (b) and subsection (c) herein would be an unreasonable hardship may apply to the Director for a temporary or permanent waiver in a manner prescribed by the Director.

(d) For entities subject to recycling plan or report requirements, a request for a waiver must be submitted with the recycling plan and/or annual report. If the plan/report has already been filed, the request must accompany an amended plan/report. If the request for a waiver is denied, the plan and/or annual report must be resubmitted within 30 days from the date of denial, to include the materials for which a waiver was sought unless a plan and/or annual report on file already addresses those materials. Those persons or entities requesting a waiver must specify the materials requested to be waived from recycling requirements, the duration of the requested waiver, reason(s) for the request at the time they submit it, and include any documentation necessary to justify a waiver.





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- (1) The Director must consider the following criteria in granting a waiver:
  - (A) The unavailability of markets for the material identified;
  - (B) Extreme financial hardship due to significant disparity between the costs of recycling an identified material and the costs of disposal of that material; or
  - (C) The unavailability of an on-site or proximate off-site location to prepare and store materials for recycling.

## **Section 3. Solid Waste Reduction and Recycling Program**

- (a) **Single-family residential recycling program, including dwellings having 6 or fewer dwelling units.**

- (1) Recycling services areas.

- (A) The entire County is a recycling service area for the collection of mixed paper; commingled materials; yard trim; Christmas trees; and scrap metals.
- (B) Recycling service sub areas are designated on a map maintained by the Department and available upon request. All residents provided County recycling service must recycle in accordance with these regulations, Chapter 48 of the Montgomery County Code (1994), as amended, and the schedule for their recycling service sub area maintained and publicized by the Division of Solid Waste Services.

- (2) Preparation of material for recycling collection.

- (A) Mixed paper. Mixed paper must be separated from other solid waste and placed in wheeled carts provided by the County, in paper bags, in small cardboard boxes or tied with string strong enough to support the weight of the bundle and prevent dispersion. The total weight of each bag, box or bundle must not exceed 45 gallons in volume and 60 pounds in weight. A County supplied wheeled cart does not have a weight limit and can have up to a 100 gallon capacity. Mixed paper contaminated by garbage or other putrescible material must not be included for recycling.



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- (B) Commingled materials. All commingled materials must be separated from other solid waste and placed in a County approved container. Lids, tops, and any loose food or liquid must be removed.
- (C) Yard trim. Grass and leaves must be placed in containers or large paper bags labeled "yard trim". Containers or bags must not exceed 45 gallons in volume and 60 pounds by weight. Brush must not exceed 4 inches in diameter and 6 feet in length, and must be placed in labeled containers or paper bags or tied in bundles no greater than 36 inches in diameter. Plastic bags must not be used to contain any yard trim or Christmas trees. Christmas trees must have all ornaments and metal objects removed.
- (3) Collection requirements.
  - (A) Location. Materials to be recycled must be placed within 10 feet of the publicly maintained right-of-way closest to the dwelling. Materials must not be placed in a manner that interferes with parking or vehicular and pedestrian traffic.
  - (B) Alternate location. Residents for whom placement in accordance with paragraph (A) would be a hardship may apply to the Director for permission to use an alternate location. The Director may set a time limit on any permission granted. Any recycling container used at an approved alternate location must be identified, as provided by the Director, and must be visible from the publicly maintained right-of-way.
  - (C) Time limit. Materials prepared for recycling must be set out for collection no earlier than 5:00 p.m. before the designated day of collection, and no later than 7:00 a.m. on the designated day of collection. Recycling containers must be removed from the collection location no later than 5:00 p.m. the day after that designated for collection.
  - (D) Litter. Owners and occupants are responsible for keeping the area around recycling containers litter free.





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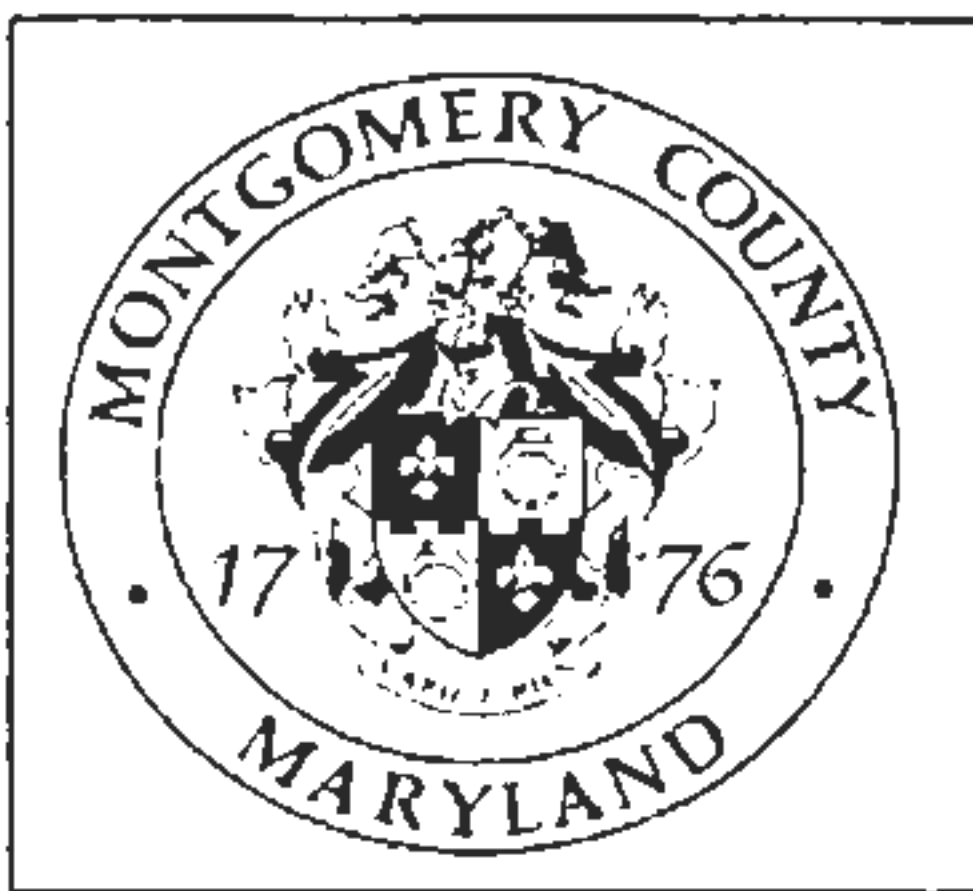
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(b) **Multi-family residential recycling program - Buildings  
with 7 or more dwelling units.**

- (1) Applicability. This section is applicable to all generators, property owners, property managers, whether individuals or entities, and common ownership associations, including boards of condominium associations and cooperative housing projects (as those terms are defined in state law) of multi-family dwelling units that have 7 or more units ("multi-family entities"). This section is not applicable to facilities receiving collection as described in (a) or to businesses covered under (c).
- (2) Multi-family entities and residents must recycle. Materials which are required to be recycled are: mixed paper; commingled materials; yard trim; Christmas trees; and scrap metal items. Persons or entities covered by this section are encouraged to recycle any other materials for which there is a viable market.
- (3) Plan and report requirements.
  - (A) Designation of responsible agent. Multi-family entities subject to this section must designate an agent responsible for carrying out the plan and report requirements of this section. In the case of multi-family dwelling units covered by a common ownership association, the association representative, as listed in the Office of Common Ownership Properties, is responsible. In the case of leased units or facilities, the property owner or representative, as listed with the Montgomery County Office of Landlord and Tenant Affairs or as confirmed through other sources, is responsible.
  - (B) Waste reduction and recycling plan.
    1. Who must submit. Multi-family dwellings having 101 or more units must submit a waste reduction and recycling plan demonstrating how the entity will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, for each facility. Multi-family dwellings having 100 or fewer units must submit a waste reduction and recycling





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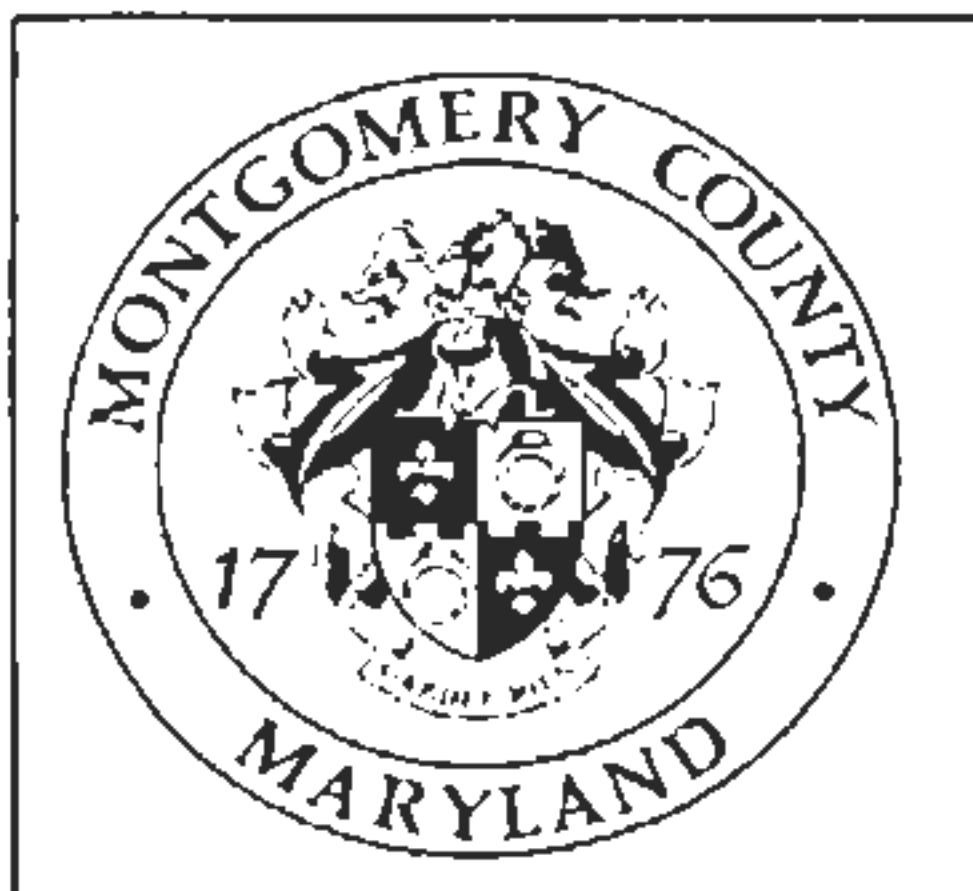
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plan demonstrating how the entity will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, within 60 days from receipt of a written request for a plan from the Department.

2. Contents of plan. The plan must be submitted on forms provided by the Department and must include, at a minimum, description of facility by type; name, address, and telephone number of contact person responsible for on-site recycling program; list of materials to be recycled; name and address of person/collection company providing recycling collection service; sites where materials are delivered; and description of waste reduction activities.

(C) Annual report on waste reduction and recycling activities.

1. Who must submit. All multi-family entities having 101 or more units must prepare and submit to the Department, on or before February 1 of each year, an annual waste reduction and recycling report for each facility covering the previous calendar year. Multi-family entities having 100 or fewer units must prepare and begin submission of initial annual waste reduction and recycling reports within 60 days from receipt of a written request for reports from the Department. From that time forward, each year, all of these entities must prepare and submit to the Department on or before February 1 annual waste reduction and recycling reports covering the previous calendar year.
2. Contents of report. The annual report must be submitted on a form provided by the Department and must include tonnages of materials collected for recycling and for solid waste disposal, and any changes from the approved recycling plan required under Section 3(b)(3)B(2) of this regulation. If recyclable materials are self-hauled to a recycling facility, the multi-family entity must obtain scale house tickets and provide these as documentation of quantity recycled for reporting requirements. Only in the event that scale house tickets are not obtainable, may receipts and/or



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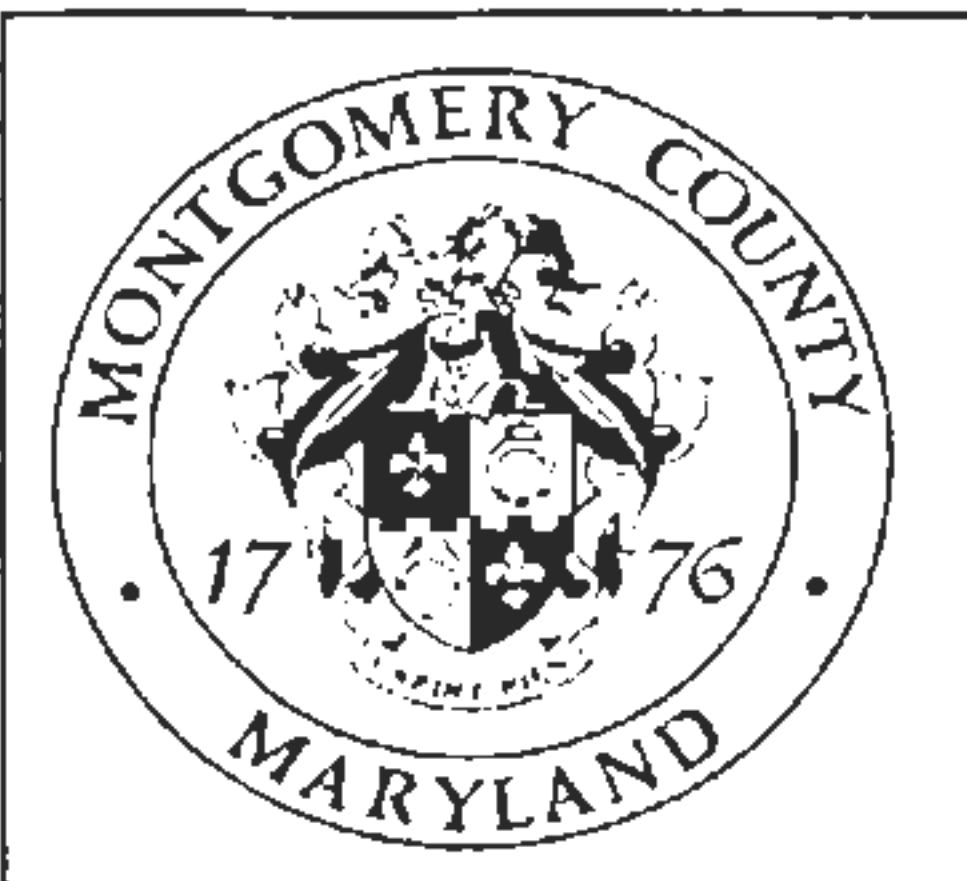
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other proof of quantity recycled be substituted. The annual report must also include a description of the multi-family entity's efforts to educate tenants, residents and/or employees about its recycling program.

3. Review Process. Annual reports will be reviewed, field verified and audited by the Department through on-site evaluation.
- (4) Certification. All reports and plans must be signed by a person authorized to bind the multi-family entity, and must certify that the information is correct to the best of his or her knowledge. Examples of authorized persons include the property owner or responsible agent.
- (5) Verification of information. Multi-family entities must maintain, and make available, upon request, to the Department for inspection and copying during normal business hours, any contracts and invoices for collection and disposition of materials to be recycled for a period covering the most recent five (5) years. Contract prices and other such financial information may be deleted from the materials provided.
- (6) Containers. Containers for all required recyclable materials in adequate sizes and quantities must be placed in each location where trash containers are located, and must be clearly labeled to indicate the appropriate material(s) to be placed inside for recycling. All containers must be located within reasonable and convenient proximity to all dwelling units, and to any offices, clubhouses, recreation facilities, and other uses on-site. In addition, wherever vending machines dispensing products in recyclable packaging are located, recycling containers for those materials must be located in close and convenient proximity.
- (7) Property Owner of Multi-family Properties. Property owners of multi-family entities must make recycling collection service and storage space for recyclable solid waste available to tenants in compliance with these regulations and Section 48-24 of the Montgomery County Code.





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(8) Collectors Servicing Multi-Family Entities.

- (A) Collectors must collect and deliver to a recycling facility materials that have been source separated from the solid waste stream, unless the recyclable materials are not acceptable. If a collector determines that the recyclable materials are not acceptable then the collector must inform the generator or responsible agent in writing using a form designated by the County, keep a copy on file, and send a copy to the Department. The collector must indicate the name of the property, name of the responsible agent notified, date, time, address, the nature of the problem and suggested remedy and specify a collector contact name and phone number for additional information.
- (B) Collectors must provide a copy of their current Montgomery County Collector's License to each customer at least once annually, and must keep a copy of such notice and the date provided to its customer in their business records. If a copy has not yet been provided and a customer requests one, the collector must provide the customer with a copy of its license within 3 business days.

(9) Contract Services.

- (A) A multi-family entity, when contracting for collection service of recyclable materials must use a currently licensed collection company that has a license to collect and transport recyclable solid waste in the County ("Licensed Collector").
- (B) A multi-family entity contracting for collection services with a Licensed Collector must maintain for inspection a copy of the Licensed Collector's license. A property manager or responsible agent must produce a copy of the license upon request by the Department within 3 business days.



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(c) **Commercial recycling and waste reduction program –  
Generators/Businesses.**

- (1) Business Size. For the purposes of this subsection (c), businesses are classified into the following size categories:  
Large businesses. All businesses with 250 or more employees.  
Medium-sized businesses. All businesses with 100-249 employees.  
Small businesses. Businesses with fewer than 100 employees.
- (2) Applicability. This section applies to all generators and businesses, which must recycle the materials described in Section 3(c)(3) herein. All businesses in Montgomery County must comply with these recycling regulations within 30 days of operating within the County.
- (3) Businesses and employees must recycle. Materials required to be recycled by businesses are: mixed paper or sorted paper; commingled materials (which may be sorted); yard trim; Christmas trees; and scrap metal items. Businesses are encouraged to recycle any other materials for which there is a viable market.
- (4) Verification of information. Businesses must maintain, and make available, upon request, to the Department for inspection and copying during normal business hours, any contracts and invoices for collection and disposition of materials to be recycled for a period covering the most recent five (5) years. Contract prices and other such financial information may be deleted from the materials provided.
- (5) Requirement for a waste reduction and recycling plan.
  - (A) Applicability.
    1. Large and medium-sized businesses. All large and medium-sized businesses must prepare a waste reduction and recycling plan demonstrating how the business will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight.





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2. Small businesses. Small businesses must prepare a waste reduction and recycling plan demonstrating how the business will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, within 60 days from receipt of a written request for a plan from the Department.
  3. Property owner of multi-tenant facilities. Owners of multi-tenant facilities must file a waste reduction and recycling plan covering facilities in their entirety, and including information for all tenants, demonstrating how the businesses will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight.
  4. Multiple Business Locations. Each business required to submit a plan and/or report for multiple locations in the County may submit a single plan and/or report to cover multiple locations, or may submit an individual plan and/or report for each separate location demonstrating how the business will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, in compliance with these regulations. Any plan and/or report covering multiple locations must list each property address subject to it, and each location covered by the plan and/or report must maintain a copy of the plan and/or report on the premise.
- (B) Plan updates. A business must update its plan if there are changes to the waste reduction and recycling activities of the business or if required as a result of revisions to these regulations.



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- (C) Contents of plan. The waste reduction and recycling plan must be on forms provided by the Department and must include the following:
1. A description of the business, including;
    - a. Name and address of the property owner and the reporting business.
    - b. Names of all entities affiliated with the business, including any parent and subsidiary business.
    - c. Number of full-time and part-time employees.
    - d. Number of square feet occupied by the business.
    - e. The activities conducted by the business.
  2. A description of the business' current solid waste generation, including:
    - a. Estimated tonnage of all solid waste produced.
    - b. Identification of recyclable solid waste defined in subsection (c)(3) above.
  3. A description of the business' waste reduction and recycling methods.
  4. Name(s) of the person(s) responsible for coordinating recycling and waste reduction activities, preparing the annual report, and for responding to the Department on actions concerning implementation and enforcement of these regulations.





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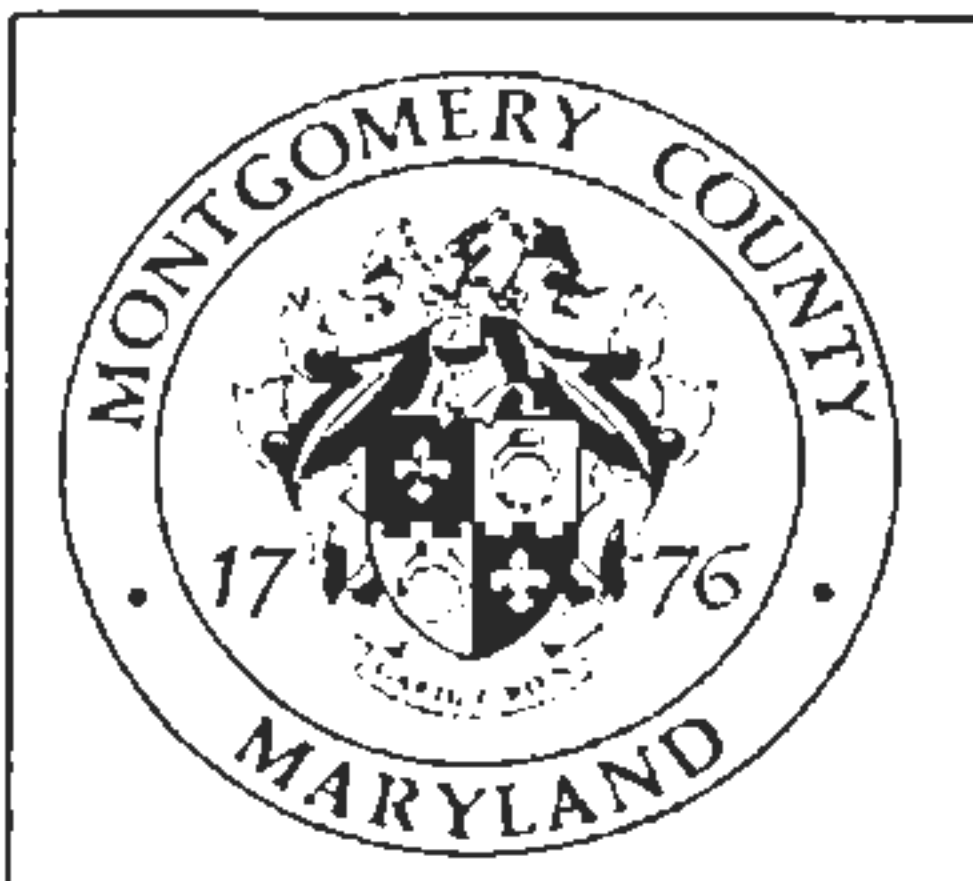
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5. Name and phone number of the licensed collector responsible for collecting the materials to be recycled and sites where materials are delivered.

(6) Requirement for an annual report on waste reduction and recycling activities.

(A) Applicability.

1. Large businesses. Each year all large-sized businesses must prepare and submit to the Department on or before February 1 annual waste reduction and recycling reports covering the previous calendar year.
2. Medium-sized businesses. Each year, all medium-sized businesses must prepare and submit to the Department on or before March 1 annual waste reduction and recycling reports covering the previous calendar year.
3. Small businesses. Small-sized businesses must prepare and begin submission of initial annual waste reduction and recycling reports within 60 days from receipt of a written request for reports from the Department. From that time forward, each year, all of these small businesses must prepare and submit to the Department on or before March 1 annual waste reduction and recycling reports covering the previous calendar year.
4. Property owner of multi-tenant facilities. Owners of multi-tenant facilities must file annual waste reduction and recycling reports covering facilities in their entirety, and including information for all tenants. Each year, owners must prepare and submit to the Department on or before March 1 annual waste reduction and recycling reports covering the previous calendar year.



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- (B) Review Process. Annual reports will be reviewed, field verified and audited by the Department through on-site evaluation.
- (C) Contents of the report. The annual report must include the following information on waste reduction and recycling activities conducted between January 1 and December 31 of the previous calendar year:
1. Any change in the description of the business as submitted in the waste reduction and recycling plan or most recent annual report, including:
    - a. The purpose of, and activities conducted by, the business.
    - b. The number of full-time and part-time employees associated with the business.
    - c. The number of square feet occupied by the business.
  2. Identification of the total annual tonnage of solid waste generated and the annual tonnage of each type of material being reduced or recycled.
  3. Name and phone number of the licensed collector responsible for collecting the materials to be recycled and sites where materials are delivered.
  4. If recyclable materials are self-hauled to a recycling facility, the business must obtain scale house tickets and provide these as documentation of quantity recycled for reporting requirements. Only in the event that scale house tickets are not obtainable, may receipts and/or other proof of quantity recycled be substituted.
  5. A description of the progress in waste reduction and reuse efforts undertaken by the business.





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6. A description of the property management's or business' efforts to educate tenants and/or employees about its recycling program.

(D) Certification. All reports and plans must be signed by a person authorized to bind the business, and must certify that the information is correct to the best of his/her knowledge. Examples of authorized persons include a corporate officer (President, Vice-President, Chief Administrative Officer, Chief Operating Officer or their designee) or owner of the business.

(7) Containers. The owner or operator of each business must place containers for all required recyclable materials in adequate sizes and quantities in each location where trash containers are located, and must clearly label each container to indicate the appropriate material(s) to be placed inside for recycling. All containers must be located within reasonable and convenient proximity to all buildings and other uses on-site. In addition, any business that sells or provides food or beverages in recyclable containers for on-site consumption must provide an adequate size and number of recycling containers for use by consumers, and wherever vending machines dispensing products in recyclable packaging are located, recycling containers for those materials must be located in close and convenient proximity.

(8) Property owner of commercial properties. Property owners must make recycling collection service and storage space for recyclable solid waste available to tenants in compliance with these regulations and Section 48-24 of the Montgomery County Code.

(9) Collectors servicing commercial properties.

(A) Collectors must collect and deliver to a recycling facility materials that have been source separated from the solid waste stream, unless the recyclable materials are not acceptable. If a collector determines that the recyclable materials are not acceptable then the collector must inform the generator or responsible agent in writing using a form designated by the County, keep a copy on file, and send a copy to the Department. The collector must indicate the name of the business, name of the responsible agent notified, date, time, address, the nature of the problem and suggested remedy and specify a collector contact name and phone number for additional information.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

(B) Collectors must provide a copy of its current Montgomery County Collector's License to each customer at least once annually, and must keep a copy of such notice and the date provided in their business records. If a copy has not yet been provided, and a customer requests one the collector must provide the customer with a copy of its license within 3 business days.

(10) Contract Services. Businesses that contract for recycling collection service are required to use a County-licensed collection company.

(A) A business, regardless of employee size or type, when contracting for collection service of recyclable materials must use a collection company that has a license to collect and transport recyclable solid waste in the County ("Licensed Collector").

(B) A business contracting for collection services with a Licensed Collector must maintain for inspection a copy of the Licensed Collector's license. A property manager or responsible agent must produce a copy of the license upon request by the Department within 3 business days.

## Section 4. Administration

### (a) Responsibilities of the Department.

(1) Forms. The Department must provide any forms, as appropriate, that assist multi-family dwellings with 7 or more units and businesses in meeting the requirements of these regulations.

(2) Confidentiality. Subject to applicable law, the Department must maintain the confidentiality of any information required to be provided in these regulations that identifies markets or customers. The Department must not, unless required by law to do so, disclose this information to third parties other than in nonspecific summary form in general recycling and solid waste analyses. This requirement does not prohibit the Department from using this information in preparing a summary analysis of waste reduction and recycling activities in the County.





# MONTGOMERY COUNTY EXECUTIVE REGULATION

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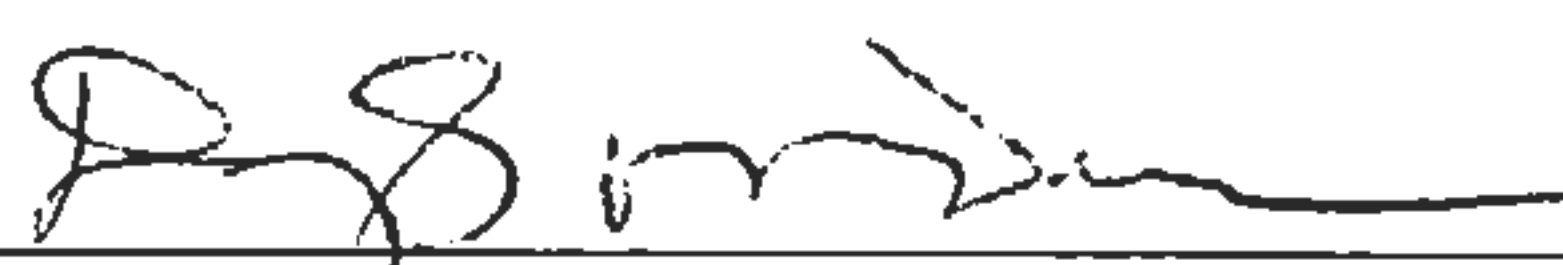
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## Section 5. Enforcement


These regulations may be enforced in accordance with Montgomery County Code 1994, as amended, Section 48-49.

## Section 6. Construction

This regulation must be construed liberally to permit the Department to effectuate the purposes of Article V (recycling) of Chapter 48 of the Montgomery County Code (1994), as amended, and the policies of the County's Comprehensive Solid Waste Management Plan.

  
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Douglas M. Duncan  
County Executive

APPROVED AS TO FORM AND LEGALITY  
OFFICE OF COUNTY ATTORNEY

BY   
DATE 2/2/05